

REMARKS

The Examiner is thanked for the Official Action of October 17<sup>th</sup>, 2008 and for the opportunity to conduct a telephone interview on December 17<sup>th</sup>, 2008. This request for reconsideration is submitted along with the attached amendment and is intended to be fully responsive thereto.

Objection Under 35 U.S.C. § 132(a)

The Examiner objected to the previously filed response under 35 U.S.C. § 132(a) because it introduced new matter into the disclosure. Specifically, the Examiner states that the disclosure “of the guide portion pressing against the cutter blade from above in a manner that the guide body and branch faces are placed on the cutter blades” is not supported by the original disclosure. As discussed in the interview, Applicant believes that this amendment is supported in the original disclosure and as such believes that the objection should be withdrawn. The Examiner is directed to the original specification, paragraph 0011 that reads “and at least a cutting edge of a cutter blade to be sharpened, and wherein provided on inside or side of the exposure portion is a guide portion for pressing, from above, the cutter blade to be sharpened so as to prevent the cutter blade from wobbling or tilting, and further to define an accurate cutting edge angle.”

The Examiner further contends that the “new recitation in claim 1 of the guide portion pressing against the cutter blade from above, is deemed new matter.” Again as discussed in the interview, Applicant believes that this is not an amendment and is supported in the original disclosure and as such believes that the rejection should be withdrawn. The Examiner is directed to the lastly amended Claim 1, last portion, that reads “wherein provided on inside or side of the exposure portion is a guide portion for pressing, from above, the cutter blade to be sharpened...” This same language is in the original claim and has not changed throughout prosecution. Clearly this is not “new matter” as claimed by the Examiner and thus Applicant respectfully requests that the

Examiner withdraw this rejection.

Rejections under 35 U.S.C. § 103(a)

The Examiner relies substantially on the incorporation of new matter for the basis of his § 103 rejection. As argued above, Applicant believes that the Examiner is mistaken in his “new matter” assessment and respectfully requests that the Examiner’s rejections be withdrawn.

Conclusion

In view of the above, Applicant respectfully submits that Claim 1 recites statutory subject matter that is novel and new, is subject matter of the present invention and is fully supported in the disclosure of the present invention, and therefore respectfully requests that Claim 1 be found allowable and that this application be passed to issue. No new matter has been included.

If for any reason, the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact the Applicant’s undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper has not been timely filed, the Applicant respectfully petitions for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper, may be charged to counsel’s Deposit Account No. 50-2069, **referencing docket number 054-602**.

Respectfully submitted,

By: /Tracy M Heims 53010/  
Tracy M. Heims  
Reg. No. 53,010

Apex Juris, PLLC  
12733 Lake City Way Northeast  
Seattle, Washington, 98125  
Email: [tracy@apexjuris.com](mailto:tracy@apexjuris.com)  
Phone (206) 664-0314  
Fax (206) 664-0329